

REMARKS

Status of the Application

Claims 1-5, 10-18, 21-27, 30-34, 39-47, 52-56, and 59-105 were pending in this application. With this amendment, Applicants have amended claims 1-4, 10-17, 23-25, 30-33, 39-46, and 52-54, cancelled claims 26-27, 55-56, and 59-105, and added claims 106-117. The amendments to the claims and the newly added claims are supported by the application as filed and therefore do not add new matter. Accordingly, entry of the amendments and the new claims is respectfully requested.

Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reason relating to patentability, such as to overcome any one or more of the Examiner's rejections. Indeed, Applicants believe that the Examiner has not established a prima facie showing to support the Examiner's rejections and, as such, Applicants reserve the right to pursue the subject matter of the previously presented, and of the previously or currently cancelled claims in one or more continuing applications.

Claim Rejections – 35 U.S.C. § 112

Claims 1-75 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse. The Examiner has not provided any reason for rejecting claims 1-75 under § 112. Applicants request that the Examiner provide the reasons for rejecting claims 1-75 if the rejection is to be maintained.

Claims 78, 81, 84, 87, 90, 93, 95, 98, 101, and 104 were also rejected as being indefinite under 35 U.S.C. § 112, second paragraph. Claims 78, 81, 84, 87, 90, 93, 95, 98, 101, and 104 have herewith been cancelled. Accordingly, withdrawal of the rejection is requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-5, 10-18, 21-27, 30-34, 39-47, 52-56, and 59-105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,809,403 (hereinafter “Broka”) in view of U.S. Patent No. 5,375,055 (hereinafter “Tougher”). The Examiner’s rejections are respectfully traversed.

Claims 1 and 14 recite “generating automatically at least one of a price and a size for an offer to sell the item based on at least one of a price and a size for a bid to buy the item.” With regard to claim 1, the offer received is based on the generated price and/or size for the offer. With regard to claim 14, a second interface is presented that includes at least one field with the price and/or size populated therein. Claims 30 and 43 recite similar features in methods involving opposite-side orders, i.e., for an bid to buy the item. Applicants submit that neither Broka nor Tougher disclose or otherwise suggest these features.

The Examiner asserts that Broka teaches “generating an offer (or bid) value” with reference to Fig. 18a. Applicants disagree. Broka notes that Fig. 18a is a enter quote window which includes price and size fields for the broker to specify for both selling and purchasing the specified issue. Col. 13, line 53 – Col. 14, line 1. Because the broker must specify the price and size for both selling and purchasing the issue, the Broka system does not generate the price and/or size for an order automatically based on a price and/or size for a opposite-side order in accordance with claims 1, 14, 30, and 43. As such, Broka does not disclose receiving orders having a price and/or size based on the price and/or size generated automatically in accordance with claims 1 and 30, and does not disclose displaying an interface screen having at least one field therein populated with the price and/or size generated automatically in accordance with claims 14 and 43.

The currently amended and newly added dependent claims include one or more features therein that further distinguish the claims from the cited references in addition to those discussed above with the independent claims that the dependent

claims depend from. Applicants reserve the right to argue the features of the dependent claims in greater detail should it become necessary to do so.

Conclusion

For the above reasons, Applicants submit that the claimed methods are patentable over the references cited by the Examiner. Reconsideration and allowance of the pending claims are respectfully solicited.

The Examiner is invited to contact the Applicants' undersigned representative at 212-829-5407 to expedite prosecution.

Respectfully submitted,

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Date

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